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4
UNITED STATES DISTRICT COURT
5
NORTHERN DISTRICT OF CALIFORNIA

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7 WAYMO LLC,

8 Plaintiff,

9 v.

10 UBER TECHNOLOGIES, INC., et al.,

11 Defendants.

Case No.[17-cv-00939-WHA](#) (JSC)**ORDER RE: PARAGRAPH SIX OF
DISTRICT COURT'S PI ORDER**

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13 On May 11, 2017 the district court granted in part Waymo's motion for a preliminary
14 injunction. Among other remedies, the court granted Waymo "further expedited discovery in aid
15 of possible further provisional relief." The court also stated that "[a]fter Waymo has exhausted its
16 expedited discovery, it may continue with normal discovery." (Dkt. No. 433 at 25-26.) Uber
17 interprets this Order as *staying* normal discovery until Waymo exhausts its permitted expedited
18 discovery, while Waymo insists the district court intended no such thing as a delay in normal
19 discovery would prejudice Waymo given the short time frame to complete discovery. After
20 reviewing the district court's order, and conferring with the district court, the Court rules that
21 Waymo must first proceed with the expedited discovery ordered in the district court's preliminary
22 injunction order. Once Waymo exhausts the expedited discovery, it may continue discovery with
23 the standard deadlines. Waymo may, however, concurrently propound requests for admissions
24 since the district court's expedited discovery order did not provide for such discovery. Further,
25 Waymo does not need to propound new discovery requests if it wishes the expedited schedule to
26 apply to previously-requested discovery. This process is not designed to alleviate any burden on
27 Uber, but rather to ensure that the expedited discovery process is exhausted first. This discovery
28 phasing may be revisited depending on the progress of the expedited discovery. The third-party

1 discovery as to Gorilla Circuits may proceed, as agreed to by Uber.

2 Uber may continue its discovery; however, it is not expedited.

3 **IT IS SO ORDERED.**

4 Dated: May 15, 2017



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6 JACQUELINE SCOTT CORLEY
United States Magistrate Judge